



Supreme Court of Appeals State of West Virginia

News

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Chief Justice Workman creates commission to review juvenile justice facilities, procedures **For immediate release Monday, June 13, 2011**

CHARLESTON, W.Va. – Supreme Court Chief Justice Margaret L. Workman announced today she is establishing an Adjudicated Juvenile Rehabilitation Review Commission to look at the Division of Juvenile Services' operations plan and programs at the Industrial Home for Youth in Salem and at the Honey Rubenstein Center in Davis.

The commission will report its findings to the Supreme Court.

Although the scope of the commission's work initially will be focused on two locations, it can expand its review to other facilities operated by the Division of Juvenile Services and the Department of Health and Human Resources if it deems it necessary, said Chief Justice Workman, who will personally lead the commission.

"It is my hope that the report of this Adjudicated Juvenile Rehabilitation Review Commission can be used by the legislative and executive branches to improve the system of rehabilitation of adjudicated juveniles, and that no further action by the Court will be warranted," Chief Justice Workman said.

She had been leading the Supreme Court in a study of juvenile justice issues for more than a year before she decided to appoint a commission for a larger, multi-disciplinary review. "We had to be very concerned to move in this direction. I think it's in order, and it's time for us to do it.

"I want to work cooperatively with the other branches," she said. However, if the commission finds a high number of systemic irregularities, the Supreme Court does have the option of appointing a special master or receiver to oversee the juvenile justice system in West Virginia.

"It's really up to the whole court," said Chief Justice Workman.

"While these juveniles are sent to the custody of the Division of Juvenile Services, their cases remain open for judicial review. Thus, judges have a special interest in how these adjudicated juveniles are being disciplined, how they are being educated, and how they are being rehabilitated," said the letter Chief Justice Workman wrote to the individuals she appointed to the commission.

"Of all of the cases that face a judge, none strike at the heart more than those involving juveniles in trouble. When an offender, therefore, is sent to the state's secure

facility for adjudicated juveniles in Salem, the Industrial Home for Youth, the judge places faith in that facility's programs and its operations to offer opportunities for the juvenile to turn his or her life around and to leave the facility with the best possible hope of a successful, productive, crime-free life," Chief Justice Workman wrote.

"Unfortunately, during the last few years, a number of incidents have been reported that have caused judges and justices to be concerned if the best programs for positive outcomes are actually being instituted. The assaults, the apparent lack of segregation of very young offenders from older offenders, and – most troubling of all – the still undetermined death of juvenile resident Benjamin Hill have filled news reports as recently as this immediate past weekend," Chief Justice Workman's letter said.

"The hope of the future of West Virginia is, of course, our children. That hope, frankly, must include all of our children, not only the honor roll students but those youths who are in the adjudication process. The cost to the state of every juvenile whom we fail to rehabilitate can not only be measured in the millions of dollars, but in destroyed lives and lost dreams. We must act, therefore, for the good of the entire state," Chief Justice Workman wrote.

Rehabilitating juveniles is not only a humanitarian endeavor, it also makes good fiscal sense, Chief Justice Workman said in announcing the commission. Every youth who is deterred from committing a crime saves the state money that otherwise would be spent on prosecution and incarceration.

Children in custody are wards of the court, and it ultimately is the judicial system's responsibility to make sure they are safe, educated, and rehabilitated, she said.

The commission members are

- Chief Justice Margaret L. Workman, chairwoman
- Supreme Court Administrative Director Steve Canterbury, former Executive Director of the Regional Jail and Correctional Facility Authority (in that capacity he directed construction of several correctional facilities, including the residence hall at the Industrial Home for Youth in Salem)
- Circuit Judge Gary Johnson of the Twenty-Eighth Judicial Circuit (Nicholas County), also Chairman of the Court Improvement Program Board
- Circuit Judge J. Lewis Marks, Jr., of the Fifteenth Judicial Circuit (Harrison County)
- Judge Jeffrey B. Reed of the Fourth Judicial Circuit (Wood and Wirt Counties), former chairman of the Court Improvement Program Board
- Jefferson County Magistrate Gail C. Boober
- Cindy Largent-Hill (Morgan County), former director of the Division of Juvenile Services and current director of programs for Timber Ridge Schools
- The Rev. Mr. Rue Thompson (Upshur County), Director for State Facilities, Holy Rosary Parish
- Attorney Jane Moran (Mingo County), original member of the Juvenile Justice Committee in the 1980s and current member of the Court Improvement Program Board
- Megan Annitto, Director of the Center for Law and Public Service at West Virginia University College of Law
- Sam Hickman (Kanawha County), Chief Executive Officer, National Association of Social Workers, West Virginia Chapter

The mission statement of the commission follows.

“The West Virginia Supreme Court of Appeals is committed to a juvenile justice system that promotes effective interventions that will enhance the likelihood of rehabilitation and behavior reform for those children involved in delinquent behavior. It is the Court’s desire that West Virginia serve these youths and their families within a sound framework of public safety while providing guidance, structure, and appropriate, evidence-based services. Circuit judges need to be confident that those youths whom they sentence to the Industrial Home for Youth at Salem are given, through rehabilitative programs, every opportunity for success after their confinement.

“Therefore, the facilities and the programs they include must, from time to time, be examined by the Court not only to ensure that the sentencing judges are very familiar with the environment into which they are sentencing adjudicated juveniles, but also in order to ensure that these programs are appropriate and as effective as they can possibly be. In that manner, the adjudication system itself can be improved by providing more effective intervention at an early stage of juvenile delinquency. Through collaboration and communication between the Court, the Legislature, and the Executive agencies, West Virginia’s investment of energy and resources into children who are in trouble will result in the best possible future for the State.”

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